

TUESDAY, MAY 25, 1999

THIRTY-FIFTH LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Patton.

Representative Patton led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Buck; personal reasons.

Representative Jackson; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 304: Rep(s), Davis (Washington) as prime sponsor(s).

House Bill No. 332: Rep(s). Brooks as prime sponsor(s).

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House Bill No. 453: Rep(s). Davis (Washington), Montgomery, Winningham and Walker as prime sponsor(s).

House Bill No. 538: Rep(s). Beavers, Newton, Black, Phelan and Montgomery as prime sponsor(s).

House Bill No. 769: Rep(s). Maddox, Fitzhugh, Ridgeway and White as prime sponsor(s).

House Bill No. 1027: Rep(s). Langster, Pruitt, Turner (Hamilton) and Brown as prime sponsor(s).

House Bill No. 1055: Rep(s). Hargrove and Caldwell as prime sponsor(s).

House Bill No. 1144: Rep(s). Caldwell, Buttry and Turner (Hamilton) as prime sponsor(s).

House Bill No. 1618: Rep(s). Pleasant, Miller, Turner (Hamilton), Todd, Pruitt, Langster, Ridgeway, and S. Jones as prime sponsor(s).

House Bill No. 1629: Rep(s). Goins as prime sponsor(s).

House Bill No. 1656: Rep(s). Turner (Hamilton), Scroggs, Bittle, Caldwell, Hargrove and Kisber as prime sponsor(s).

House Bill No. 1796: Rep(s). J. DeBerry as first prime sponsor(s).

House Bill No. 1796: Rep(s). Brooks as prime sponsor(s).

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 26, 1999:

House Resolution No. 92 -- Memorials, Interns - Michael Leigh Busey. by *Beavers.

House Resolution No. 93 -- Memorials, Interns - Will Irvin. by *Bittle, *Hagood.

House Resolution No. 94 -- Memorials, Academic Achievement - Detria F. Tate. by *Armstrong, *Tindell.

House Resolution No. 95 -- Memorials, Interns - Sara Corder. by *Phillips, *Fitzhugh, *Miller L.

House Joint Resolution No. 308 -- Memorials, Interns - Darci Richcreek. by *Hargett, *Pleasant.

House Joint Resolution No. 309 -- Memorials, Professional Achievement - Tennessee Malt Beverage Association, 50th anniversary. by *Hargrove.

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House Joint Resolution No. 310 -- Memorials, Death - Al Bradshaw. by *Cole (Dyer).

House Joint Resolution No. 311 -- Memorials, Personal Achievement - Amanda Johnson, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 312 -- Memorials, Personal Achievement - Robert Wade, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 313 -- Memorials, Personal Achievement - Cheryl Johnston, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 314 -- Memorials, Personal Achievement - Kim Parks, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 315 -- Memorials, Personal Achievement - Bethany Coppings, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 316 -- Memorials, Personal Achievement - Samuel Prater, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 317 -- Memorials, Sports - Cocke County High School boys' track team, 1999 Inter-Mountain Conference champions. by *Davis (Cocke).

House Joint Resolution No. 318 -- Memorials, Recognition - Gap Creek Missionary Baptist Church. by *Goins.

House Joint Resolution No. 319 -- Memorials, Academic Achievement - Todd Brandon Nidiffer, Campbell County High School, Valedictorian. by *Baird, *Goins.

House Joint Resolution No. 320 -- Memorials, Academic Achievement - Julie Kay Higdon, Campbell County High School, Valedictorian. by *Baird, *Goins.

House Joint Resolution No. 321 -- Memorials, Academic Achievement - Cara Beth Carroll, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 322 -- Memorials, Academic Achievement - Melissa Diane Payne, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 323 -- Memorials, Academic Achievement - Brandon James Stooksbury, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 324 -- Memorials, Academic Achievement - Virginia Lynn Heath, Salutatorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 325 -- Memorials, Academic Achievement - Josh William Chaniott, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 326 -- Memorials, Academic Achievement - Amanda Kathleen Arnold, Valedictorian, Campbell County High School. by *Baird, *Goins.

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House Joint Resolution No. 327 -- Memorials, Academic Achievement - Keeling Roehl Baird, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 328 -- Memorials, Academic Achievement - Brandi Carroll Kincaid, Campbell County High School Valedictorian. by *Baird, *Goins.

House Joint Resolution No. 329 -- Memorials, Academic Achievement - Lindsay Lea Heatherly, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 330 -- Memorials, Academic Achievement - MacKenzie Lee Hatmaker, Valedictorian, Campbell County High School. by *Goins, *Baird.

House Joint Resolution No. 331 -- Memorials, Academic Achievement - Ebony Shantae Holmes. by *Jones U (Shelby), *Tindell, *Langster.

House Joint Resolution No. 332 -- Memorials, Retirement - Barabara Boome. by *Hagood, *Buttry, *Dunn, *Tindell, *Armstrong, *Bittle, *Boyer.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 71** -- Memorials, Congress - Urges study relative to increasing number of ethnicity categories used for educational data reporting. by *Dixon.

House Education Committee

***Senate Joint Resolution No. 228** -- General Assembly, Statement of Intent or Position - Urges ratification of the emergency telephone service charge for commercial mobile radio service users and subscribers. by *Rochelle.

House Finance, Ways and Means Committee

***Senate Joint Resolution No. 279** -- General Assembly, Statement of Intent or Position - Urges THDA to assess and improve suitability, safety, and affordability of housing for mentally ill. by *Rochelle, *Burchett, *Dixon.

House Finance, Ways and Means Committee

***Senate Joint Resolution No. 282** -- Highway Signs - "Templeton Way," segment of U.S. 41-A and S.R. 56 in Franklin County. by *Cooper.

House Calendar and Rules Committee

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 700** -- Criminal Offenses - Creates Class D felony offense for theft of anhydrous ammonia with intent to use in manufacture of controlled substance. Amends TCA Title 39, Chapter 17, Part 4. by *Herron. (HB769 by *Pinion, *Sands)

***Senate Bill No. 714** -- Motor Vehicles - Requires criminal history records checks of applicant seeking license to operate any vehicle for hire or person employed by local governments to provide transportation services. Amends TCA Title 6, Chapter 54, Part 1. by *Haynes. (HB1078 by *Jones, S.)

***Senate Bill No. 878** -- Children - Enacts Court Appointed Special Advocates Association (CASA) grant program. Amends TCA Title 9, Chapter 6, Part 1. by *Graves. (HB1402 by *Fowlkes)

***Senate Bill No. 1354** -- Assessors - Improves training incentives for assessment professionals. Amends TCA Sections 5-1-310 and 67-1-508. by *Haynes. (HB1732 by *Armstrong, *Tindell, *Dunn, *Hagood, *Boyer)

***Senate Bill No. 1395** -- Licenses - Requires criminal history records check of applicant seeking license to operate adult-oriented establishment or permit to perform as entertainer in such establishment. Amends TCA Title 7, Chapter 51, Part 11. by *Rochelle. (HB1083 by *Jones, S., *West)

***Senate Bill No. 1417** -- Regional Authorities - Allows water and waste water treatment authority, or utility district or board or commission, under contract with corporation providing sewer services or with authority, to charge for sewer service separately and discontinue water service to sewer users who fail to pay sewer service charges. Amends TCA Title 68, Chapter 221, Part 6. by *Rochelle. (HB1986 by *Bone)

Senate Bill No. 1783 -- Tort Liability - Immunizes state government from tort claims arising out of data calculation errors caused by any computer system or software program's inability to process year 2000 date. Amends TCA Title 29, Chapter 20, and Title 9, Chapter 8, Part 3. by *Crowe. (*HB1862 by *Scroggs)

Senate Bill No. 1964 -- Utilities, Utility Districts - Increases board of commissioners of Turnbull-White Bluff Utility District of Dickson County from three to five members, to be appointed by county executive; initial terms to expire 12/31/99, with subsequent appointments to be four year terms. Amends TCA Section 7-82-307. by *Springer. (*HB1973 by *Jackson)

Senate Bill No. 1965 -- Centerville - Subject to local approval, revises jurisdiction and salary of city judge. Amends Chapter 40 of the Private Acts of 1997. by *Springer. (HB1981 by *Jackson)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1930 -- Appropriations -- previously referred to the House Calendar and Rules Committee

House Bill No. 1994 -- Cleveland -- Local Bill Held on House Desk

House Bill No. 1995 -- Gibson County -- Local Bill Held on House Desk

House Bill No. 1996 -- Hawkins County -- Local Bill Held on House Desk

House Bill No. 1997 -- Rogersville -- Local Bill Held on House Desk

House Bill No. 1998 -- Lebanon -- Local Bill Held on House Desk

House Bill No. 1999 -- Hamilton County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 25, 1999**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 26, 1999**: House Bill(s) No(s). 1637, 383, 1005, 1242, 1375, 1264, 1176, 926, 946, 593 and 1818.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 26, 1999**: House Bill No. 919, 1936, 1792, House Joint Resolution(s) No(s). 253, 200 and 204.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1465, 1862, 1017, 59, 1991, House Joint Resolution(s) No(s). 264, Senate Joint Resolution(s) No(s). 100, 279, 228, also House Bill(s) No(s). 938, 1371, 1527, 1191, 1587, 1522, 1479 and 1847 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CAPTION BILLS REFERRED

Pursuant to **Rule No. 47**, the following Caption Bill(s), 157 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 157** -- Personal Property -- House Finance, Ways and Means Committee

CONSENT CALENDAR

House Bill No. 1993 -- Cumberland County - Subject to local approval, establishes "Cumberland Plateau Regional Water Authority," on behalf of Cumberland County, the Catoosa Utility District, Crab Orchard Utility District, Grandview Utility District, South Cumberland Utility District and West Cumberland Utility District. by *Walker (Rhea), *Curtiss. (SB1984 by *Davis L)

House Resolution No. 75 -- Memorials, Interns - Kristi Stout. by *Kent.

House Resolution No. 76 -- Memorials, Interns - Martin Ryan Todd. by *Scroggs.

House Resolution No. 77 -- Memorials, Interns - Julian Harold Jackson. by *Brown.

House Resolution No. 78 -- Memorials, Recognition - Lindsay Tipton, Girl's State Delegate. by *Boyer.

House Resolution No. 79 -- Memorials, Interns - Christina M. Conkle. by *Patton.

House Resolution No. 81 -- Memorials, Interns - Jessica Bell. by *McMillan, *Buck, *Jackson.

House Resolution No. 82 -- Memorials, Academic Achievement - Kimberly Renee Jones, Valedictorian, Oakhaven High School. by *Bowers.

House Resolution No. 83 -- Memorials, Academic Achievement - Andrea Nicole Wilson, Oakhaven High School Salutatorian. by *Bowers.

House Resolution No. 84 -- Memorials, Academic Achievement - Natasha La'shelle Bingham, Valedictorian, Bishop Byrne Middle and High School. by *Bowers.

House Resolution No. 85 -- Memorials, Academic Achievement - Tiffanie Nicoe Suttle, Salutatorian, Bishop Byrne Middle and High School. by *Bowers.

House Resolution No. 86 -- Memorials, Interns - Tinisha Nichelle Buttrey. by *Eckles.

House Resolution No. 87 -- Memorials, Professional Achievement - Father John B. McArthur, Silver Jubilee Anniversary. by *Bowers.

House Resolution No. 88 -- Memorials, Interns - Sydney Hill. by *Brooks, *Garrett, *Kernell.

House Resolution No. 89 -- Memorials, Recognition - Greenwood Christian Methodist Episcopal Church. by *Kernell, *Brooks, *Bowers, *DeBerry L, *DeBerry J, *Kent, *Cooper B, *Towns, *Miller L, *Jones U (Shelby), *Todd.

House Resolution No. 90 -- Memorials, Interns - Hope Bing. by *Chumney, *DeBerry J, *Maddox.

House Resolution No. 91 -- Memorials, Interns - Danielle Frazier. by *Chumney, *DeBerry J, *Maddox.

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House Joint Resolution No. 285 -- Memorials, Recognition - Bianca Renee Ennix. by *DeBerry L.

House Joint Resolution No. 286 -- Memorials, Retirement - Doris Buchanan. by *DeBerry L.

House Joint Resolution No. 287 -- Memorials, Retirement - Pearlie Jenkins. by *DeBerry L.

House Joint Resolution No. 288 -- Memorials, Retirement - Catherine Johnson. by *DeBerry L.

House Joint Resolution No. 289 -- Memorials, Academic Achievement - Collierville High School Academic Knowledge Bowl Team. by *Scroggs, *Todd.

House Joint Resolution No. 290 -- Memorials, Recognition - Collierville PRIDE Club, PRIDE World Youth Drug Conference award winner. by *Scroggs, *Todd.

House Joint Resolution No. 291 -- Memorials, Sports - Collierville High School, Varsity Pom Pon Squad. by *Scroggs, *Todd.

House Joint Resolution No. 292 -- Memorials, Sports - Cocke County High School boys' tennis team, 1999 Inter-Mountain Conference championship. by *Davis (Cocke).

House Joint Resolution No. 293 -- Memorials, Recognition - Sara Rolen, Future Farmers of America State Reporter. by *Davis (Cocke).

House Joint Resolution No. 295 -- Memorials, Interns - William Alexander Clift. by *Hood, *Bone, *Sands.

House Joint Resolution No. 296 -- Memorials, Recognition - Franklin First United Methodist Church, 200 years service. by *Williams (Williamson).

House Joint Resolution No. 297 -- Memorials, Recognition - New Salem Cumberland Presbyterian Church. by *Maddox, *Pinion, *Rinks.

House Joint Resolution No. 298 -- Memorials, Interns - John Matthew Kroplin. by *Ridgeway, *Brown, *Odom.

House Joint Resolution No. 299 -- Memorials, Personal Achievement - Meyoshia Powell, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 300 -- Memorials, Personal Achievement - Amanda Johnson, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 301 -- Memorials, Personal Achievement - Melissa Varner, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 302 -- Memorials, Personal Achievement - Laura Preston, Perfect Attendance Award. by *Turner (Hamilton).

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House Joint Resolution No. 303 -- Memorials, Personal Achievement - Tara Coffman, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 304 -- Memorials, Recognition - Dr. Donald Ellis, 1 million trees, Bristol. by *Mumpower, *Godsey, *Westmoreland.

House Joint Resolution No. 305 -- Memorials, Interns - Jolie Tin. by *Turner (Shelby), *West, *Jones, S..

House Joint Resolution No. 306 -- Memorials, Interns - Christy Weathers. by *Turner (Shelby), *West, *Jones, S..

House Joint Resolution No. 307 -- Memorials, Interns - Amy Beard. by *Boyer.

Senate Joint Resolution No. 441 -- Memorials, Personal Achievement - Mrs. Claude Swafford, Statesman Award from Tennessee Republican Party. by *Person.

Senate Joint Resolution No. 449 -- Memorials, Public Service - Clark Flatt, 1999 Citizen of the Year. by *Graves.

Senate Joint Resolution No. 450 -- Memorials, Interns - Serena Bruni. by *Graves.

RESOLUTION WITHDRAWN

Rep. Turner (Hamilton) moved that **House Joint Resolution No. 300** be withdrawn from the Consent Calendar and the House, which motion prevailed.

CONSENT CALENDAR, CONTINUED

Rep. Hargrove moved that all members voting aye on Senate Joint Resolution No. 449 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 1965** -- Taxes - Applies franchise and excise taxes to limited liability companies, partnerships and proprietorships and removes exemptions from sales taxes; enacts "Excise Tax Law of 1999." Amends TCA Title 45; Title 48; Title 56 and Title 67. by *Stulce, *Winningham. (SB1962 by *Crutchfield)

Further consideration of House Bill No. 1965 previously considered on May 19, 1999, at which time it was reset for today's Calendar.

Rep. Stulce moved that House Bill No. 1965 be held on the Clerk's desk, which motion prevailed.

***House Bill No. 1455** -- Taxes, Exemption - Deletes all sales tax exemptions except for isolated and occasional sales; religious, educational, charitable and historical institutions; paid for with food stamps or WIC vouchers; federal government; reiterates sales exempt if manufactured or produce of this state, exempted by Tennessee Constitution, or invalid to tax under commerce or due process clauses of Constitution of United States. Amends TCA Title 67, Chapter 6. by *Newton. (SB1758 by *Clabough)

Further consideration of House Bill No. 1455 previously considered on May 19, 1999, at which time it was reset for today's Calendar.

Rep. Newton moved that House Bill No. 1455 be held on the Clerk's desk, which motion prevailed.

House Bill No. 1618 -- Victims' Rights - Provides that certain identifying information regarding orders of protection, restraining orders, shelters, victims and witnesses in criminal cases be treated as confidential. Amends TCA Title 10, Chapter 7, Part 5 and Title 36, Chapter 3, Part 6. by *McMillan, *Hargrove, *Chumney, *Black, *Cooper B, *Hassell, *Hagood, *McDaniel, *Odom, *Harwell, *Naifeh, *Hargett. (*SB868 by *Burks, *Atchley, *Person, *Williams, *Crowe)

Rep. McMillan requested that House Bill No. 1618 be moved to the heel of the Calendar.

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***House Bill No. 1613** -- Tort Liability - Clarifies procedures for contributions of joint tort-feasors. Amends TCA Title 29, Chapter 11. by *McMillan. (SB1878 by *Crutchfield)

Rep. McMillan moved that House Bill No. 1613 be reset for the Regular Calendar on May 26, 1999, which motion prevailed.

House Bill No. 1134 -- Students - Prohibits strip searches and body cavity searches of school students on school property or at school sanctioned events without a search warrant; provides procedures to be followed if a strip or cavity search is conducted. Amends TCA Title 49, Chapter 6, Part 42. by *McMillan. (*SB1188 by *Cohen)

Rep. McMillan moved that House Bill No. 1134 be reset for the Regular Calendar on May 26, 1999, which motion prevailed.

Senate Bill No. 1886 -- Education, Higher - Permits institutions of higher education to release certain student records and student information if related to criminal activity or drug or alcohol possession or use by such student Amends TCA Title 10, Chapter 7. by *Burchett. (*HB1916 by *Boyer)

Further consideration of Senate Bill No. 1886 previously considered on May 17, 1999 and May 20, 1999, at which time the Senate Bill was substituted for the House Bill and reset for today's Calendar.

Rep. Boyer moved that Senate Bill No. 1886 be re-referred to the Higher Education Subcommittee of the House Education Committee, which motion prevailed.

House Bill No. 332 -- TennCare - Requires TennCare MCOs to contract with certain hospitals. Amends TCA Title 56 and Title 71. by *Kisber, *Walker (Rhea), *Caldwell, *Jones, S., *Maddox. (*SB325 by *Henry, *Crutchfield, *Ford J)

Further consideration of House Bill No. 332 previously considered on May 20, 1999, at which time it was reset for today's Calendar.

Rep. Kisber moved that House Bill No. 332 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 332 by deleting Section 1 of the printed bill in its entirety and by substituting the following:

SECTION 1. The department (TennCare) shall include in its contracts with managed care organizations provisions for essential care which is provided on an unduplicated, regional basis and which is regulated by the state in order to ensure its availability to all citizens, such as Level I trauma care and perinatal and neonatal care. The department shall have the authority to promulgate regulations as needed in order to require managed care organizations and providers of essential services to negotiate with each other in good faith.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Kisber moved that **House Bill No. 332**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Bowers, Cooper, DeBerry L., Godsey -- 4.

A motion to reconsider was tabled.

***House Bill No. 231** -- Business and Commerce - Enacts "Tennessee Minority and Women Business Enterprise Act of 1999." Amends TCA Title 54. by *Bowers, *DeBerry J. (SB417 by *Harper)

Further consideration of House Bill No. 231 previously considered on May 20, 1999, at which time it was reset for today's Calendar.

Rep. Bowers moved that House Bill No. 231 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 231 By deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. The title of this act is, and may be cited as the "Tennessee Minority and Women Business Enterprise Act of 1999".

SECTION 2. (a) The department of transportation shall comply with all the terms and conditions of the Disadvantaged Business Enterprise and Historically Underutilized Business Enterprise provisions of the federal Transportation Equity Act for the 21st Century, compiled in 23 U. S. C. A. 101, et seq.

(b) In addition, the department shall continue to comply with the good faith efforts requirements of §67-3-2004 which apply to the revenue generated from the 1986 and 1989 gasoline tax increases with respect to disadvantaged business enterprises or women business enterprises.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Bowers moved that **House Bill No. 231**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	1
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 91.

Representatives voting no were: Goins -- 1.

Representatives present and not voting were: Patton -- 1.

A motion to reconsider was tabled.

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***House Bill No. 757** -- Highways, Roads and Bridges - Deletes penalty for failure of ferry to provide timely, adequate transportation. Amends TCA Title 4, Title 7, Title 42, Title 54, Title 55, Title 65, and Title 67. by *Head, *Buck, *Curtiss, *Davis (Cocke), *Roach, *Cooper B. (SB1272 by *Springer)

Further consideration of House Bill No. 757 previously considered on May 20, 1999, at which time it was reset for today's Calendar.

Rep. Head moved that House Bill No. 757 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

Senate Bill No. 1616 -- Transportation, Dept. of - Clarifies certain aspects of process of removal, relocation or adjustment of utility facilities in conjunction with construction projects undertaken by department. Amends TCA Title 54, Chapter 5, Part 8. by *Haun, *McNally. (*HB1132 by *Buttry, *McDaniel, *Cooper B)

Further consideration of Senate Bill No. 1616 previously considered on May 20, 1999, at which time the Senate Bill was substituted for the House Bill, the House withdrew Amendment(s) No(s). 1 and 2 and reset the bill for today's Calendar.

Rep. Head moved that Senate Bill No. 1616 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

***House Bill No. 1027** -- Tobacco, Tobacco Products - Rewrites Prevention of Youth Access to Tobacco Act; adds civil offense of minor possessing tobacco product, punishable by juvenile court citation; modifies department of agriculture enforcement; creates new civil penalties subject to UAPA hearings. Amends TCA Title 39, Chapter 17, Part 15. by *Jackson, *Bowers, *Caldwell, *Ferguson, *Fitzhugh, *Maddox, *Jones, S., *Brooks, *Jones U (Shelby), *Kernell. (SB1380 by *Person, *Carter, *Williams, *Dixon)

Further consideration of House Bill No. 1027 previously considered on May 20, 1999, at which time it was reset for today's Calendar.

On motion, House Bill No. 1027 was made to conform with **Senate Bill No. 1380**; the Senate Bill was substituted for the House Bill.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Bowers moved that Senate Bill No. 1380 be passed on third and final consideration.

On motion, Rep. Givens withdrew Agriculture Committee Amendment No. 1.

TUESDAY, MAY 25, 1999 -- THIRTY-FIFTH LEGISLATIVE DAY

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Bowers moved that **Senate Bill No. 1380** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Williams, Windle, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Rhinehart, Winningham -- 2.

Representatives present and not voting were: Boyer -- 1.

A motion to reconsider was tabled.

***Senate Bill No. 163** -- County Boundaries - Requires each application for changing county line to be accompanied by resolution authorizing change approved by 2/3 vote of county commissioners of all counties affected by change, in addition to accurate survey and plat showing proposed changes. Amends TCA Section 5-2-104. by *Williams, *Herron. (HB272 by *Givens, *Pinion, *Roach, *Montgomery)

Further consideration of Senate Bill No. 163 previously considered on May 20, 1999, at which time the Senate Bill was substituted for the House Bill, the House adopted Amendment No. 1, withdrew Amendment No. 2 and reset the bill for today's Calendar.

Rep. Head moved that Senate Bill No. 163 be reset for the Regular Calendar on May 26, 1999, which motion prevailed.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 538 -- Credit and Debit Cards - Prohibits public institutions of higher education from selling or distributing student lists to credit card issuers; prohibits credit card issuers from attempting to secure such lists. Amends TCA Title 49, Chapter 7. by *DeBerry L, *Bowers, *Brooks, *Givens, *Langster, *DeBerry J. (*SB436 by *Dixon)

On motion, House Bill No. 538 was made to conform with **Senate Bill No. 436**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 436 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 436 by deleting the amendatory language in Section 1 of the printed bill and substituting the following:

Section 49-7-1___. (a) Any institution operated by the University of Tennessee board of trustees or the state board of regents which collects personal information from students, including but not limited to names, campus or home addresses, telephone numbers, or other identifying information, for the purpose of using such information in student or campus directories shall include on forms used in such collecting a provision that the student may indicate that the student does not wish to receive solicitations, offers, or other advertisements by mail or otherwise based on such directory listing. If a student indicates that such student does not wish to receive solicitations or other such offers, that preference shall be marked by the student's name and the directory shall contain an explanation of the marking.

(b) It is unlawful for any credit card issuer or any other issuer of credit to recruit potential student cardholders or customers for credit card business or other credit services on campus or at college or university facilities, or through student organizations.

(c) It is unlawful to offer gifts or any other promotional incentives to students on campus or at college or university facilities in order to entice such students to apply for credit cards or any other instruments of credit.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 436 by adding a new section, as follows, to be appropriately designated:

SECTION _____. Any institution of the University of Tennessee or the state board of regents system which receives funds from the distribution of credit cards to students or any percentage from the use of cards bearing the college or university name or logo shall report the amount of such funds or percentage which it received as well as how such funds were expended during the previous fiscal year to the joint oversight committee on education by October of each year.

On motion, Education Committee Amendment No. 2 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 436 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. No state or federal revenue appropriated to, or otherwise received by, any institution of the University of Tennessee or the state board of regents system shall be used by such institution to offset in any manner, or otherwise replace, any funding from any credit card issuer or other issuer of credit that is lost, decreased or foregone because of the provisions of this act. Any increase in state expenditures resulting from the implementation of this act shall be funded from revenues received by such institutions from the credit card issuer or other issuer of credit.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 436 by deleting Section 2 of the printed bill and by substituting instead the following:

SECTION 2. The provisions of subsections (b) and (c) of the amendatory Section 49-7-1 ____ in Section 1 shall become effective July 1, 2001, and all other provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 4 was adopted.

Rep. L. DeBerry moved that **Senate Bill No. 436**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1459 --** State Government - Requires state departments and agencies to prepare interagency agreements for submission to department of audit; requires annual compliance reports and updates; specifies contents; requires department of audit to prepare annual cumulative findings and recommendations concerning compliance; specifies distribution requirements. Amends TCA Title 4. by *Ridgeway. (SB1917 by *Elsa, *Person)

Rep. Ridgeway moved that House Bill No. 1459 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1459 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 4, is amended by adding the following as a new section to be appropriately designated:

SECTION __. (a) It is the intent of the general assembly that, whenever appropriate and consistent with existing administrative practices and procedures, interagency agreements to facilitate the provision of services to children should be developed.

(b) The departments of children's services, education, health, mental health and mental retardation, human services, finance and administration, and the bureau of TennCare, are authorized and strongly encouraged to develop, or to continue the utilization of, interagency agreements and other appropriate formal or informal processes associated with such agreements, or any other forms of interagency cooperation, to effectuate the mandates of any court decision affecting the provision of services to children or to carry out the mandates of federal or state laws or regulations or to otherwise facilitate the provision of services to children.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Ridgeway moved that **House Bill No. 1459**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1796 -- Education - Establishes requirements of proper behavior and respect for authority for admission to or retention in public schools; requires parent, guardian or person having control or charge of child to sign personal statement accepting responsibility for child's social skills and respect for authority. Amends TCA Title 49, Chapter 6, Part 30. by *DeBerry L, *Langster, *DeBerry J. (*SB1577 by *Dixon)

Rep. L. DeBerry requested that House Bill No. 1796 be moved to the heel of the Calendar.

***House Bill No. 453** -- Education - Revises provisions for character education in public schools; provides for annual report to joint oversight committee on education. Amends TCA Section 49-6-1007. by *McDonald, *Bone, *Davidson, *Fowlkes, *Hood, *Arriola, (SB491 by *Haynes, *Burks)

Rep. McDonald moved that House Bill No. 453 be passed on third and final consideration.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 453 by deleting all references in the amendatory language in Section 1 of the printed bill to the "state board of education" and substituting the words "state department of education".

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Fowlkes moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 453 by adding the following language to the end of Section 1 as a new, appropriately designated subsection:

() Human resource agencies, created pursuant to Title 13, Chapter 26, may serve as the service delivery system for the character education program.

On motion, Amendment No. 2 was adopted.

Rep. McDonald moved that **House Bill No. 453**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1830** -- District Attorneys - Increases amount of time in which district attorney must file funding report with executive director of district attorneys general conference after end of fiscal year from 90 to 100 days. Amends TCA Title 8. by *Hargrove. (SB1864 by *Cooper, *Burks)

On motion, House Bill No. 1830 was made to conform with **Senate Bill No. 1864**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 1864 be passed on third and final consideration.

On motion, Rep. McMillan withdrew Judiciary Committee Amendment No. 1.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1864 by adding the following new section immediately preceding the last section of the bill, as amended by House Judiciary Committee Amendment No. 1, and by renumbering the subsequent section accordingly:

SECTION _____. Any costs associated with implementing the provisions of this act shall be paid for with funds that have been appropriated to the district attorneys general conference.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Hargrove moved that **Senate Bill No. 1864**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

TUESDAY, MAY 25, 1999 -- THIRTY-FIFTH LEGISLATIVE DAY

***House Bill No. 1629** -- Highway Signs - Broadens eligibility for specific service signs to include all multi-lane, controlled-access roads within established guidelines; directs commissioner of transportation to add such roads to the specific service sign system. Amends TCA Title 54. by *Maddox, *Fitzhugh. (SB1909 by *Herron)

On motion, House Bill No. 1629 was made to conform with **Senate Bill No. 1909**; the Senate Bill was substituted for the House Bill.

Rep. Maddox moved that Senate Bill No. 1909 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Maddox moved that **Senate Bill No. 1909** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1722** -- Taxes, Exemption - Extends gross receipts tax exemption on gas, water and electric current for cities and political subdivisions to persons meeting criteria of exempt wholesale generators or FERC certified wholesale power marketers under the Federal Power Act; extends gross receipts tax exemption for miscellaneous public utilities to exempt wholesale generators and FERC certified wholesale power marketers under Federal Power Act. Amends TCA Section 67-4-405; Section 67-4-406; and Title 67. by *Maddox, *Fitzhugh. (SB1925 by *Wilder)

Rep. Maddox moved that House Bill No. 1722 be passed on third and final consideration.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1722 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. In order for a person to qualify for the credits authorized by the provisions of this act, such person must be subject to the taxes imposed by chapter 4, parts 8 and 9 of this title.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Maddox moved that **House Bill No. 1722**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives present and not voting were: Beavers, Brooks, Cooper, Jones S. -- 4.

A motion to reconsider was tabled.

House Bill No. 1055 -- Courts - Enables certain municipalities and counties to levy additional \$1.00 litigation tax as court costs to fund victim-offender mediation centers; removes 50 percent state funding limitation for new victim-offender mediation centers during first three years of operation. Amends TCA Title 16, Chapter 20. by *Odom, *Brown, *DeBerry J. (*SB1447 by *Springer, *Burks)

Rep. Odom moved that House Bill No. 1055 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1055 by deleting from the first sentence of the amendatory language of Section 2(c)(1) the words and punctuation "Each county and municipality," and by substituting instead the following:

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By a two-thirds (2/3) vote of its legislative body, each county and municipality,

AND FURTHER AMEND by deleting from the first sentence of the amendatory language of Section 2(d) the words and punctuation "Any county, to which" and by substituting instead the following:

By a two-thirds (2/3) vote of its legislative body, each county, to which

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 1055**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

House Bill No. 1144 -- Sexual Offenses - Redefines "material" and "minor" under the Tennessee Protection of Children against Sexual Exploitation Act of 1990; creates affirmative defense to prosecution if minor is emancipated. Amends TCA Title 39, Chapter 17, Part 10. by *McMillan. (*SB866 by *Kyle, *Kurita, *Graves, *Williams, *Burks, *Crowe, *Haynes, *Fowler)

On motion, House Bill No. 1144 was made to conform with **Senate Bill No. 866**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 866 be passed on third and final consideration.

On motion, Rep. McMillan withdrew Judiciary Committee Amendment No. 1.

Rep. McMillan moved that **Senate Bill No. 866** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 151** -- Business Organizations - Increases from three to four months time period in which proceedings to enforce claims must be filed against dissolved limited partnerships. Amends TCA Title 61. by *Odom, *Head. (SB621 by *Haynes)

Rep. Odom requested that House Bill No. 151 be moved down 3 places on the Calendar.

***House Bill No. 487** -- TennCare - Requires state comptroller to do actuarial study of TennCare program and its MCOs every two years. Amends TCA Title 71. by *Eckles, *Bowers. (SB550 by *Cooper, *Herron)

Rep. Eckles moved that House Bill No. 487 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 487 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Any costs associated with implementing the provisions of this act shall be paid for with funds that have been appropriated for purposes of administering the TennCare program.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Eckles moved that **House Bill No. 487**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes	96
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Cooper -- 1.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1656 -- Foster Care - Clarifies that foster parents' rights also apply to agencies which contract with department of children's services to place children in foster care. Amends TCA Title 36; Title 37; Title 38 and Title 39. by *Walley, *Kent, *Pruitt, *Langster, *Harwell, *Lewis. (*SB1330 by *Graves)

Rep. Walley moved that House Bill No. 1656 be passed on third and final consideration.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1656 by adding the following as a new section preceding the effective date section and renumbering the effective date section accordingly:

SECTION ____ Tennessee Code Annotated, Section 37-5-105(4) is amended by adding the following at the end of such subsection:

Such annual report shall contain information regarding foster care services, including definitions, racial composition, and statutory or regulatory authority where appropriate as to the following:

(A) Placement Information

- (i) Total number of children in foster care by region and segmented by:

Level of placement (I-IV)

Placement type (DCS foster home, continuum contracts, pre-adoptive/adoptive, diagnostic shelter, emergency shelter, medical/surgical hospital, miscellaneous, specialized residential school, trial home visit)

Average length of custody

Number of DCS foster care placements currently available

(B) Social Services Caseload Information

- (i) Total social services case managers by region and segmented by:

- (a) Case manager slots
- (b) Actual filled slots
- (c) Average salary
- (d) Average social services caseload
- (e) Range of social services caseload

(C) Legal Support by Region

- (i) Total number of attorneys and paralegal staff

- (a) Number of attorney slots
- (b) Number of attorney filled slots
- (c) Number of paralegal slots
- (d) Number of paralegal filled slots

On motion, Children and Family Affairs Committee Amendment No. 1 was adopted.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1656 by adding the following language as a preamble immediately preceding the enacting clause:

WHEREAS, the general assembly recognizes that provision of adequate foster care services to Tennessee children is a matter of the highest priority; and

WHEREAS, the special house task force to study foster care was created to permit an open forum for assessing the strengths and weaknesses of the children's services system in providing foster care; and

WHEREAS, the task force consisted of Representative Page Walley, Chairman, and Representatives Butch Lewis, Beth Halteman-Harwell, Mary Pruitt and Joe Kent; and

WHEREAS, the task force heard testimony and received reports and information from numerous concerned citizens and groups including the Child Welfare League of America, the office of the comptroller of the treasury, the department of children's services, the Tennessee commission on children and youth and the Tennessee Family Institute; now therefore

AND FURTHER AMEND by adding the following sections immediately after the enacting clause:

SECTION _____. The general assembly, in the interest of public health, safety and welfare, urges the department of children's services to expeditiously and administratively implement the various recommendations of the Child Welfare League of America which do not require legislative authorization. Those recommendations include:

- (1) Full implementation of the department of children's services, including appropriate staff and system consolidation, training and cross-training and provision of adequate office space;
- (2) Development of a three-year plan related to foster care and adoption services, including development of adequate information concerning caseload, workload and staff responsibilities;
- (3) Resolution of interagency issues related to access to, and adequacy of, services provided under TennCare for children in state custody, including coordination with affected agencies; and
- (4) Review of the roles of the children's services agencies ("CSAs") to ensure sufficient definition and separation from the department's responsibilities, with consideration of charging the CSAs with lead responsibility for non-custodial children and families while DCS retains lead responsibility for children in state custody.

SECTION _____. It is the intent of the general assembly that the department of children's services shall enhance foster care services in the areas of residential treatment, attorney services, adoption services, reunification, case management and staff training to implement, to the full extent of funding appropriated to it, the recommendations of the child welfare league of America.

SECTION _____. The department of children's services shall report to the select committee on children and youth no later than January 15th of each year for the next three (3) years, beginning on January 15, 2000, regarding its implementation of the above recommendations.

Rep. Churney moved adoption of Amendment No. 1 to Amendment No. 2 as follows:

Amendment No. 1 to 2

AMEND House Bill No. 1656 by adding the words "house committee on children and family affairs and" after the words "shall report to" and before the words "select committee" in the third unnumbered section of amendment 2.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

Rep. Walley moved adoption of Amendment No. 2 to Amendment No. 2 as follows:

Amendment No. 2 to 2

AMEND House Bill No. 1656 in the second amendatory clause in the first sentence of the first unnumbered section of the amendment by deleting the word "urges" and by substituting instead the word "requires".

On motion, Amendment No. 2 to Amendment No. 2 was adopted.

Rep. Churney moved that Amendment No. 2 as amended, be adopted which motion prevailed.

Rep. Churney moved adoption of Children and Family Affairs Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1656 by adding the following new sections preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 37-1-116, is amended by adding the following as a new, appropriately designated subsection:

(__)(1) Notwithstanding any provision of law to the contrary, no child alleged to be delinquent and meeting any of the criteria under this subsection nor any child committed to the department of children's services as a delinquent child and meeting any of the criteria under this subsection shall be held in shelter care authorized by this section with a child alleged to be dependent or neglected unless the following are satisfied:

(i) There is total separation between facility spatial areas such that there could be no haphazard or accidental contact between a child alleged to be delinquent, or committed as delinquent, who meets the criteria of this subsection and a child alleged to be dependent or neglected; and

(ii) There is total separation in all program activities between children alleged to be delinquent, or committed as delinquent, who meet the criteria of this subsection and children alleged to be dependent or neglected, including all program activities listed in subdivision (5)(i)(1)(B) and total separation of any staff for such children as listed in (5)(i)(1)(C).

(2) The criteria to be used under this subsection, along with an allegation of delinquency or commitment to the department as delinquent, are:

(A) the child has been found to be delinquent or is alleged to be delinquent based upon a felony offense constituting a crime against a person or persons; or

(B) the child has prior commitments to the department of children's services as a result of having committed a felony offense or offenses which constitute a crime against a person or persons; or

(C) the child has been found to be delinquent or is alleged to be delinquent based upon a felony drug offense; or

(D) the child has prior commitments to the department of children's services as a result of having committed a felony drug offense; or

(E) the child has a history of prior convictions for felony offenses which constitute crimes against persons or felony drug offenses, even though the youth has never been committed to the department of children's services.

On motion, Children and Family Affairs Committee Amendment No. 3 was adopted.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 1656 by adding the following new sections preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 37-1-130, is amended by adding the following at the end of subsection (b):

Any disposition under this section shall be implemented as quickly as possible after entry of the court's order. A disposition under subsection (a)(2) or (3) shall, in no event, result in the child's detention in shelter care, as defined in Section 37-1-116, or other temporary placement, without provision of necessary services consistent with the child's assessments or evaluations, in excess of thirty (30) days after entry of the court's order.

SECTION ____ Tennessee Code Annotated, Section 37-1-132(b), is amended by adding the following as a new, appropriately numbered subdivision:

(_) A disposition under this section shall, in no event, result in the child's detention in shelter care, as defined in Section 37-1-116, or other temporary placement, without provision of necessary services consistent with the child's assessments or evaluations, in excess of thirty (30) days after entry of the court's order.

Rep. Chumney moved adoption of Amendment No. 1 to Amendment No. 4 as follows:

Amendment No. 1 to 4

AMEND House Bill No. 1656 by deleting the word "quickly" and by substituting instead the word "soon" in the first section of amendment 4 after the words "shall be implemented as".

On motion, Amendment No. 1 to Amendment No. 4 was adopted.

Rep. Chumney moved that Amendment No. 4 as amended, be adopted which motion prevailed.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 1656 by adding the following new section preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 37-1-150, is amended by deleting subdivision (a)(3) in its entirety and by substituting instead the following:

(3) Reasonable compensation for a guardian ad litem, except that in the case of indigents, the state, through the administrative office of the courts, shall pay for the guardian ad litem required by §37-1-149 for proceedings arising under part 4 of this chapter. The supreme court shall prescribe by rule the nature of the expense for which compensation may be allowed hereunder, and such limitations and conditions for such compensation as it deems appropriate, subject to the provisions of this subdivision. Such rules shall specify the form and content of applications for compensation under this subdivision. The court may adopt such other rules related to this subdivision as it deems appropriate in the public interest. Provided, that no compensation ordered to be paid shall exceed the maximum amount of one hundred dollars (\$100) per day of hearing, with a maximum total compensation for all days of five hundred dollars (\$500) as allowed by subsection (e) for attorneys appointed to represent juveniles accused of being delinquent.

On motion, Children and Family Affairs Committee Amendment No. 5 was adopted.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 6 as follows:

Amendment No. 6

AMEND House Bill No. 1656 by adding the following as new sections preceding the last section and by renumbering the subsequent section accordingly:

SECTION (). Tennessee Code Annotated, Section 37-2-415, is amended by inserting the following language as a new, appropriately designated subsection:

() At the time of placement of a child in a foster home, and no later than at the time the foster care placement contract is signed, the foster parent shall be informed, in writing, through a succinct checklist form, of all information that is available to the department regarding the child's:

(1) pending petitions, or adjudications of delinquency when the conduct constituting the delinquent act, if committed by an adult, would constitute first degree murder, second degree murder, rape, aggravated rape, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping;

(2) behavioral issues which may affect the care and supervision of the child;

(3) history of physical or sexual abuse; and

(4) special medical or psychological needs of the child.

All information shall remain confidential and not subject to disclosure to any person by the foster parent.

SECTION (). Tennessee Code Annotated, Section 37-2-415(a), is amended by inserting in the second sentence the language "or through an agency which contracts with the department to place children in foster care," between the language "children's services," and the words "pursuant to".

On motion, Children and Family Affairs Committee Amendment No. 6 was adopted.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 7 as follows:

Amendment No. 7

AMEND House Bill No. 1656 by adding the following as a fifth whereas clause to the preamble of the bill as amended:

WHEREAS, the Child Welfare League of America filed with the committee its report entitled "Tennessee Department of Children's Services: Review of the Foster Care and Adoptions Programs, First Quarterly Report which was dated April 6, 1999;

On motion, Children and Family Affairs Committee Amendment No. 7 was adopted.

Rep. Maddox moved adoption of Amendment No. 8 as follows:

Amendment No. 8

AMEND House Bill No. 1656 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____.

(a) There is hereby created a Special Oversight Committee for Children's Services and Foster Care composed of ten (10) members of the House of Representatives as follows:

(1) Three (3) members selected by the Speaker from a list of five (5) members of the Children and Family Affairs Committee as designated by the chair of such committee;

(2) Three (3) members selected by the Speaker from a list of five (5) members of the Health and Human Resources Committee as designated by the chair of such committee;

(3) The chair of the Select Joint Committee on Children & Youth;

(4) The chair of the Ad Hoc Committee on School Safety;

(5) The chair of the Special Task Force to Study Foster Care; and

(6) The chair of the House Finance, Ways and Means Committee or the chair's designee.

(b) This committee shall be convened by the Speaker and, at its organizational meeting, shall elect a chair and such other officers as the committee deems necessary. The committee shall meet monthly for one (1) year to review and oversee the implementation of the recommendations of the Task Force to Study Foster Care.

(c) The departments and agencies of this state shall, within existing appropriations and to the best of their respective abilities, cooperate with the committee in the execution of its functions.

(d) The committee shall timely report its final findings and recommendations, including any proposed legislation, and the committee shall cease to exist on June 30, 2000.

Rep. Walley requested that House Bill No. 1656 be moved to the heel of the Calendar.

House Bill No. 769 -- Criminal Offenses - Creates Class D felony offense for theft of anhydrous ammonia with intent to use in manufacture of controlled substance. Amends TCA Title 39, Chapter 17, Part 4. by *Pinion, *Sands. (*SB700 by *Herron)

On motion, House Bill No. 769 was made to conform with **Senate Bill No. 700**; the Senate Bill was substituted for the House Bill.

Rep. Pinion moved that Senate Bill No. 700 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 700 by deleting subsection (b) of Section 39-17-4__ of the amendatory language of SECTION 1 of the printed bill and substituting instead the following:

(b) Violation of this section is a Class E felony.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Pinion moved that **Senate Bill No. 700**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 151** -- Business Organizations - Increases from three to four months time period in which proceedings to enforce claims must be filed against dissolved limited partnerships. Amends TCA Title 61. by *Odom, *Head. (SB621 by *Haynes)

Further consideration of House Bill No. 151 previously considered on today's Calendar.

Rep. Head moved that House Bill No. 151 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 151 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 61-2-203, is amended by adding the following new subsection:

() Notwithstanding any other provision of the law to the contrary, if, prior to July 1, 1999, a certificate of limited partnership is cancelled due to the expiration of the limited partnership's term as stated in the certificate, the limited partnership may thereafter continue its existence without interruption if it files within ninety (90) days of such cancellation another certificate of limited partnership in compliance with Section 61-2-201.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Head moved that **House Bill No. 151**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Jones U. -- 1.

A motion to reconsider was tabled.

***House Bill No. 664** -- Taxes, Gasoline, Petroleum Products - Extends exemptions from inspections and taxes on petroleum products on activities, exchanges and transactions engaged in by refineries to related business entities with ownership interests in exempt entities. Amends TCA Section 67-3-1510. by *Kisber. (SB898 by *Rochelle)

Rep. Kisber moved that House Bill No. 664 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 664 by deleting all sections of the printed bill following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-3-1510, is amended by adding a newly designated subsection (d):

(d) For the purposes of the exemptions provided by this section, an entity, other than a retailer, affiliated with an entity which owns a refinery located in this state, shall be treated as the refinery and shall not be considered as the transferee. As used in this subsection (d), entities are affiliated with one another if either directly or indirectly wholly-owns the other, or if the entities are directly or indirectly wholly-owned by a common parent.

SECTION 2. This act shall be effect for all transactions occurring on or after July 1, 1999, the public welfare requiring it; provided that a refund shall not be available for taxes paid in respect of transactions to which such exemption is extended by this act occurring on or before June 30, 1999. If the provisions of the preceding sentence are declared invalid by a final judicial decision, the amendment to T.C.A., Section 67-3-1510, made by this act shall be void as of the effective date of the court's order.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 664**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

TUESDAY, MAY 25, 1999 -- THIRTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Lewis -- 1.

A motion to reconsider was tabled.

House Bill No. 1983 -- Marshall County - Subject to local approval, changes wheel tax issuance fee Amends Chapter 73 of the Private Acts of 1979, as amended. by *Fowlkes, *Beavers. (SB1977 by *Blackburn)

Further consideration of House Bill No. 1983 previously considered on May 24, 1999, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

Rep. Fowlkes moved that House Bill No. 1983 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1983 By deleting in its entirety the last sentence of the amendatory language of Section 2 of the printed bill and by substituting instead the following:

Any person violating any provision of this Act shall, upon conviction, be subject to a civil penalty not to exceed fifty dollars (\$50.00).

On motion, Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 1983**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	0
Present and not voting	7

TUESDAY, MAY 25, 1999 -- THIRTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buttry, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Baird, Bunch, Caldwell, Davis (Washington), Goins, West, Windle -- 7.

A motion to reconsider was tabled.

House Bill No. 1984 -- Cookeville - Subject to local approval, creates Cookeville regional medical center authority. Amends Chapter 223 of the Private Acts of 1961; as subsequently amended. by *Hargrove. (SB1987 by *Burks)

Further consideration of House Bill No. 1984 previously considered on May 24, 1999, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

Rep. Hargrove moved that House Bill No. 1984 be passed on third and final consideration.

Rep. Hargrove moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1984 by deleting from the first sentence of subsection (a) of SECTION 15 the words "the sale or leasing of the assets" and by substituting instead the words "the sale, leasing or other transfer of the assets"

AND FURTHER AMEND BY deleting from the first sentence of subsection (a) of SECTION 15 the words "such leasing by" and by substituting instead the words "such sale, leasing or transfer by"

AND FURTHER AMEND by deleting from subdivision (3)(A) of subsection (a) of SECTION 15 the words "be sold or leased" and by substituting instead the words "be sold, leased or transferred"

AND FURTHER AMEND by deleting from the second sentence of subsection (b) of SECTION 15 the words "proposed lease" and by substituting instead the words "proposed sale or lease or the proposed disposal"

AND FURTHER AMEND by adding a new subsection (c) to SECTION 15 as follows:

(c) The provisions of this section do not apply to the disposal of personal property of such hospital and clinical facilities which is obsolete, surplus or unusable and such personal property shall be disposed of in accordance with a policy established by the board.

The provisions of this section do not apply to transfers from the city of Cookeville to the Cookeville regional medical center authority for the purposes of effectuating this act.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 1984**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1078 -- Motor Vehicles - Requires criminal history records checks of applicant seeking license to operate any vehicle for hire or person employed by local governments to provide transportation services. Amends TCA Title 6, Chapter 54, Part 1. by *Jones, S.. (*SB714 by *Haynes)

Further consideration of House Bill No. 1078 previously considered on May 24, 1999, at which time it was reset for today's Calendar.

Rep. S. Jones moved that House Bill No. 1078 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

TUESDAY, MAY 25, 1999 -- THIRTY-FIFTH LEGISLATIVE DAY

House Bill No. 1734 -- Gas, Petroleum Products, Volatile Oils - Gives intrastate natural gas pipeline corporations same powers and authority which interstate natural gas pipelines operating in Tennessee have. Amends TCA Section 65-28-103. by *Arriola, *McAfee, *Jones U (Shelby), *Cooper B, *Towns, *Miller L, *DeBerry L. (*SB487 by *Haynes, *Harper)

Further consideration of House Bill No. 1734 previously considered on May 24, 1999, at which time the House adopted Amendment(s) No(s). 1, 2, 3, was on the motion to adopt Amendment No. 4 and reset the bill for today's Calendar.

Rep. Arriola moved that House Bill No. 1734 be passed on third and final consideration.

Rep. Givens moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Ferguson moved the previous question, which motion prevailed by the following vote:

Ayes	62
Noes	13
Present and not voting	3

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Bunch, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Hagood, Hargett, Harwell, Hood, Jones S., Jones U., Kent, Kerr, Langster, McAfee, McDaniel, McKee, McMillan, Montgomery, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Wood -- 62.

Representatives voting no were: Buttry, Caldwell, Davis (Cocke), Davis (Washington), Dunn, Godsey, Goins, Maddox, Rhinehart, Sands, Whitson, Windle, Winningham -- 13.

Representatives present and not voting were: Head, Kernell, McDonald -- 3.

Rep. Arriola moved that **House Bill No. 1734**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

TUESDAY, MAY 25, 1999 -- THIRTY-FIFTH LEGISLATIVE DAY

Representatives voting no were: Lewis -- 1.

Representatives present and not voting were: Dunn, Hargett -- 2.

A motion to reconsider was tabled.

House Bill No. 1618 -- Victims' Rights - Provides that certain identifying information regarding orders of protection, restraining orders, shelters, victims and witnesses in criminal cases be treated as confidential. Amends TCA Title 10, Chapter 7, Part 5 and Title 36, Chapter 3, Part 6. by *McMillan, *Hargrove, *Chumney, *Black, *Cooper B, *Hassell, *Hagood, *McDaniel, *Odom, *Harwell, *Naifeh, *Hargett. (*SB868 by *Burks, *Atchley, *Person, *Williams, *Crowe)

Further consideration of House Bill No. 1618 previously considered on today's Calendar.

On motion, House Bill No. 1618 was made to conform with **Senate Bill No. 868**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 868 be passed on third and final consideration.

Rep. McMillan moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 868 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following new subpart (15) to subsection (a):

(15) (A) As used in this subsection:

(i) "Identifying information" means the home and work addresses and telephone numbers, social security number, and any other information that could reasonably be used to locate the whereabouts of an individual.

(ii) "Protection document" means:

(a) An order of protection issued pursuant to Tennessee Code Annotated, Title 36, Chapter 3, Part 6, that has been granted after proper notice and an opportunity to be heard;

(b) A similar order of protection issued by the court of another jurisdiction;

(c) An extension of an ex parte order of protection granted pursuant to Tennessee Code Annotated, Section 36-3-605(a);

(d) A similar extension of an ex parte order of protection granted by a court of competent jurisdiction in another jurisdiction;

(e) A restraining order issued by a court of competent jurisdiction prohibiting violence against the person to whom it is issued;

(f) A court order protecting the confidentiality of certain information issued upon the request of a district attorney to a victim or witness in a criminal case, whether pending or completed; and

(g) An affidavit from the director of a rape crisis center or domestic violence shelter certifying that an individual is a victim in need of protection provided such affidavit is on a standardized form to be developed and distributed to such centers and shelters by the Tennessee task force against domestic violence; and

(iii) "Utility service provider" means any entity, whether public or private, that provides electricity, natural gas, water, or telephone service to customers on a subscription basis, whether or not regulated by the Tennessee regulatory authority.

(B) If the procedure set out in this subpart is followed, identifying information compiled and maintained by a utility service provider concerning a person who has obtained a valid protection document shall be treated as confidential and not open for inspection by the public.

(C) For the provisions of subdivision (B) to be applicable, a copy of the protection document must be presented during regular business hours by the person to whom it was granted to the records custodian of the utility service provider whose records such person seeks to make confidential and such person must request that all identifying information about such person be maintained as confidential.

(D) The protection document must at the time of presentation be in full force and effect. The records custodian may assume that a protection document is in full force and effect if it is on the proper form and if on its face it has not expired.

(E) Upon being presented with a valid protection document, the records custodian shall accept receipt of it and maintain it in a separate file containing in alphabetical order all protection documents presented to such custodian pursuant to this subpart. Nothing in this subpart shall be construed as prohibiting a records custodian from maintaining an electronic file of such protection documents provided the custodian retains the original document presented.

(F) Identifying information concerning a person that is maintained as confidential pursuant to this subpart shall remain confidential until the person who requested such confidentiality notifies in person the records custodian of the appropriate utility service provider that there is no longer a need for such information to remain confidential. A records custodian receiving such notification shall remove the protection document concerning such person from the file maintained pursuant to subdivision (E) and the identifying information about such person shall be treated in the same manner as the identifying information concerning any other customer of the utility. Provided, however, before removing the protection document and releasing any identifying information, the records custodian of the utility service provider shall require that the person requesting release of the identifying information maintained as confidential produce sufficient identification to satisfy such custodian that he or she is the same person as the person to whom the document was originally granted.

(G) After the effective date of this act, if information is requested from a utility service provider about a person other than the requestor and such request is for information that is in whole or in part identifying information, the records custodian of the utility service provider shall check the separate file containing all protection documents that have been presented to such utility. If the person about whom information is being requested has presented a valid protection document to the records custodian in accordance with the procedure set out in this subpart and has requested that identifying information about such person be maintained as confidential, the records custodian shall redact or refuse to disclose to the requestor any identifying information about such person.

(H) Nothing in this subpart shall prevent the district attorney general and counsel for the defendant from providing to each other in a pending criminal case, where the constitutional rights of the defendant require it, information which otherwise would be held confidential under this subpart.

SECTION 2. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following new subpart (16) to subsection (a):

(16) (A) As used in this subsection:

(i) "Governmental entity" means the state of Tennessee and any county, municipality, city or other political subdivision of the state of Tennessee;

(ii) "Identifying information" means the home and work addresses and telephone numbers, social security number, and any other information that could reasonably be used to locate the whereabouts of an individual.

(iii) "Protection document" means:

(a) An order of protection issued pursuant to Tennessee Code Annotated, Title 36, Chapter 3, Part 6, that has been granted after proper notice and an opportunity to be heard;

(b) A similar order of protection issued by the court of another jurisdiction;

(c) An extension of an ex parte order of protection granted pursuant to Tennessee Code Annotated, Section 36-3-605(a);

(d) A similar extension of an ex parte order of protection granted by a court of competent jurisdiction in another jurisdiction;

(e) A restraining order issued by a court of competent jurisdiction prohibiting violence against the person to whom it is issued;

(f) A court order protecting the confidentiality of certain information issued upon the request of a district attorney to a victim or witness in a criminal case, whether pending or completed; and

(g) An affidavit from the director of a rape crisis center or domestic violence shelter certifying that an individual is a victim in need of protection provided such affidavit is on a standardized form to be developed and distributed to such centers and shelters by the Tennessee task force against domestic violence; and

(B) If the procedure set out in this subpart is followed, identifying information compiled and maintained by a governmental entity concerning a person who has obtained a valid protection document may be treated as confidential and may not be open for inspection by the public.

(C) For the provisions of subdivision (B) to be applicable, a copy of the protection document must be presented during regular business hours by the person to whom it was granted to the records custodian of the governmental entity whose records such person seeks to make confidential and such person must request that all identifying information about such person be maintained as confidential.

(D) The protection document presented must at the time of presentation be in full force and effect. The records custodian may assume that a protection document is in full force and effect if it is on the proper form and if on its face it has not expired.

(E) Upon being presented with a valid protection document, the record custodian may accept receipt of it. If the records custodian does not accept receipt of such document, the custodian shall explain to the person presenting the document why receipt cannot be accepted and that the identifying information concerning such person will not be maintained as confidential. If the records custodian does accept receipt of the protection document, such custodian shall maintain it in a separate file containing in alphabetical order all protection documents presented to such custodian pursuant to this subpart. Nothing in this subpart shall be construed as prohibiting a records custodian from maintaining an electronic file of such protection documents provided the custodian retains the original document presented.

(F) Identifying information concerning a person that is maintained as confidential pursuant to this subpart shall remain confidential until the person requesting such confidentiality notifies in person the appropriate records custodian of the governmental entity that there is no longer a need for such information to remain confidential. A records custodian receiving such notification shall remove the protection document concerning such person from the file maintained pursuant to subdivision (E) and the identifying information about such person shall be treated in the same manner as identifying information maintained by the governmental entity about other persons. Provided, however, before removing the protection document and releasing any identifying information, the records custodian of the governmental entity shall require that the person requesting release of the identifying information maintained as confidential produce sufficient identification to satisfy such custodian that he or she is the same person as the person to whom the document was originally granted.

(G) After the effective date of this act, if:

(i) Information is requested from a governmental entity about a person other than the person making the request;

(ii) Such request is for information that is in whole or in part identifying information; and

(iii) The records custodian of the governmental entity to whom the request was made accepts receipt of protection documents and maintains identifying information as confidential; then such records custodian shall check the separate file containing all protection documents that have been presented to such entity. If the person about whom information is being requested has presented a valid protection document to the records custodian in accordance with the procedure set out in this subpart and has requested that identifying information about such person be maintained as confidential, the records custodian shall redact or refuse to disclose to the requestor any identifying information about such person.

(H) Nothing in this subpart shall prevent the district attorney general and counsel for the defendant from providing to each other in a pending criminal case, where the constitutional rights of the defendant require it, information which otherwise may be held confidential under this subpart.

SECTION 3. Tennessee Code Annotated, Section 36-3-604, is amended by adding the following additional order to the Order of Protection form:

IT IS FURTHER ORDERED That the home and work addresses and telephone numbers, social security number and any other information requested to be held confidential which could reasonably be used to locate the whereabouts of the petitioner shall be maintained as confidential by the records custodian of a utility service provider under the provisions of Tennessee Code Annotated, Section 10-7-504(15), and may be maintained as confidential by the records custodian of a governmental entity under the provisions of Tennessee Code Annotated, Section 10-7-504(16), upon a copy of this Order of Protection being provided to the records custodian of the utility service provider or governmental entity maintaining the particular records sought to be held confidential.

SECTION 4. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following new subpart (17) to subsection (a):

(17) The telephone number, address and any other information which could be used to locate the whereabouts of a domestic violence shelter or rape crisis center may be treated as confidential by a governmental entity and shall be treated as confidential by a utility service provider as defined in Tennessee Code Annotated, Section 10-7-504(15) upon the director of the shelter or crisis center giving written notice to the records custodian of the appropriate entity or utility that such shelter or crisis center desires that such identifying information be maintained as confidential.

SECTION 5. Tennessee Code Annotated, Title 36, Chapter 3, part 6, is amended by adding the following as a new section:

36-3-6___. The records of domestic violence shelters and rape crisis centers may be treated as confidential by the records custodian of such shelters or centers unless:

(a) The individual to whom the records pertain authorizes their release; or

(b) A court approves a subpoena for the records, subject to such restrictions as the court may impose, including in camera review.

SECTION 6. For the purpose of the Tennessee task force against domestic violence preparing a standardized affidavit form for directors of rape crisis centers and domestic violence shelters for use as a protection document, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes it shall take effect on July 1, 1999, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. McMillan moved that **Senate Bill No. 868**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1796 -- Education - Establishes requirements of proper behavior and respect for authority for admission to or retention in public schools; requires parent, guardian or person having control or charge of child to sign personal statement accepting responsibility for child's social skills and respect for authority. Amends TCA Title 49, Chapter 6, Part 30. by *DeBerry L, *Langster, *DeBerry J. (*SB1577 by *Dixon)

Rep. J. DeBerry moved that House Bill No. 1796 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1796 by adding the following language immediately preceding the enacting clause:

WHEREAS, the disruptive and anti-social behavior of a minority of students is adversely affecting the quality of education in Tennessee's public school systems; and

WHEREAS, the primary business of our schools is learning, and this General Assembly should adopt all prudent and necessary measures to provide a secure environment that is conducive to learning for students in Tennessee's public schools; and

WHEREAS, in the face of escalating anti-social behavior in our public school systems, many experts have suggested that parents and guardians should be held personally responsible for the behavior and actions of their children; and

WHEREAS, under this concept, admission to Tennessee's public schools would be limited to only those children who exhibit social behavior and respect for authority that are appropriate to the child's age and grade; and

WHEREAS, parents and guardians would be required to sign a statement certifying that they take personal responsibility for teaching and reinforcing in their child the appropriate level of social skills and respect for authority; and

WHEREAS, if the child failed to exhibit appropriate social behavior and respect for authority, the child would not be admitted to public school, or if already admitted, the child would be dismissed without leave to return until the next school year; and

WHEREAS, because quality public education is the very cornerstone of the continued success and prosperity of our society, this concept and other relevant issues pertaining to admission and retention standards in Tennessee's public schools should be carefully and exhaustively studied by this General Assembly; now, therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. There is hereby created a special committee to study admission and retention standards for Tennessee's public school systems, including the concepts of holding parents and guardians personally responsible for their children's behavior and the dismissal of students who fail to exhibit appropriate social behavior and respect for authority in the school environment.

SECTION 2. The special committee shall be composed of three (3) members of the House Education Committee, to be appointed by the Speaker of the House.

SECTION 3. The special committee shall work in conjunction and cooperation with the Ad Hoc Committee to Study School Safety Issues and is authorized to hold joint meetings with the Ad Hoc Committee.

SECTION 4. The State Board of Education and all other appropriate state agencies shall provide assistance to the special committee upon request of the chair.

SECTION 5. All legislative members of the special committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

SECTION 6. The special committee shall be convened by the member with the most years of continuous service in the General Assembly; and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

SECTION 7. The special committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundred First General Assembly no later than February 1, 2000, at which time the committee shall cease to exist.

SECTION 8. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. J. DeBerry moved that **House Bill No. 1796**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	2

TUESDAY, MAY 25, 1999 -- THIRTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cooke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks, Cooper -- 2.

A motion to reconsider was tabled.

House Bill No. 1656 -- Foster Care - Clarifies that foster parents' rights also apply to agencies which contract with department of children's services to place children in foster care. Amends TCA Title 36; Title 37; Title 38 and Title 39. by *Walley, *Kent, *Pruitt, *Langster, *Harwell, *Lewis. (*SB1330 by *Graves)

Further consideration of House Bill No. 1656 previously considered on today's Calendar at which time the House adopted Amendment(s) No(s) 1, 2, 3, 4, 5, 6, 7 and was on the motion to adopt Amendment No. 8.

Rep. Walley moved that House Bill No. 1656, as amended, be passed on third and final consideration.

Rep. Walley moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. L. DeBerry moved adoption of Amendment No. 9 as follows:

Amendment No. 9

AMEND House Bill No. 1656 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The department of children's services shall report at least once every sixty (60) days, or as often as requested, to the special joint task force to study foster care; the general welfare, health and human resources committee of the senate; the health and human resources committee of the house of representatives; the children and family affairs committee of the house of representatives; and the select joint committee on children and youth. Such periodic reports shall describe the current implementation status of the various provisions of this act.

On motion, Amendment No. 9 was adopted.

Rep. Walley moved that **House Bill No. 1656**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3** -- Motor Vehicles, Titling and Registration - Authorizes issuance of new specialty earmarked license plates commemorating University of Tennessee Volunteers football team's 1998-1999 national championship Amends TCA Title 55, Chapter 4. by *Lewis, *Ferguson, *Arriola, *Curtiss, *Windle, *Eckles, *Williams (Williamson), *Rhinehart, *Davidson, *Stulce, *Hood, *Fowlkes, *Hargrove, *McDonald, *Walley, *Naifeh, *Bone, *Goins, *Davis (Cocke), *Buttry. (SB6 by *Cooper, *Burchett, *Rochelle)

Senate Amendment No. 1

AMEND House Bill No. 3 by deleting all language after the enacting clause of the bill, as amended, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(5), is amended by adding the following as a new, appropriately designated subdivision:

() University of Tennessee National Championship;

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a)(1) Owners or lessees of motor vehicles who are residents of the state of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in §55-4-203, shall be issued a University of Tennessee National Championship cultural license plate for a motor vehicle authorized by §55-4-210(c).

(2) The purpose of such cultural plates is to commemorate and celebrate the University of Tennessee Volunteer football team's victory in the 1999 Fiesta Bowl and capture of the 1998-99 National Championship.

(b) The cultural plates provided for in this section shall contain the colors and logo of the University of Tennessee Volunteers, and shall include the language "UNIVERSITY OF TENNESSEE NATIONAL CHAMPIONS" in an appropriate design. Such plates shall be designed in consultation with the President of the University of Tennessee system.

(c) If the cultural plate authorized by this act fails to meet the minimum issuance requirements of §55-4-201(b)(3)(B) within one (1) year of the effective date of this act, such plate shall not be issued and the commissioner shall notify the Tennessee Code Commission that the section of Tennessee Code Annotated authorizing the issuance of such plate is, on the basis of such inactivity, to be deemed obsolete and invalid.

SECTION 3. This act shall take effect July 1, 1999, the public welfare requiring it.

Rep. Lewis moved that the House non-concur in Senate Amendment(s) No(s). 1 to House Bill No. 3, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Joint Resolution No. 101 -- Naming and Designating - Margaret "Maggi" Britton Vaughn, Poet Laureate of Tennessee. by *Fowlkes, *Phillips, *Hood, *Eckles.

Senate Amendment No. 1

AMEND House Joint Resolution No. 101 By deleting from the caption the language "for the term of her natural life".

AND FURTHER AMEND by deleting from the first resolving clause the language "for the term of her natural life" and by substituting instead the language "a title by which she shall be known until April 1, 2005".

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 101**, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Joint Resolution No. 121 -- Naming and Designating - "Emergency Preparedness Day," fourth Wednesday in September 1999-2004. by *Caldwell.

Senate Amendment No. 1

AMEND House Joint Resolution No. 121 By deleting in the first resolving clause the language "every fourth Wednesday in September" and by substituting instead the language "every fourth Wednesday in September, 1999, through September, 2004".

Rep. Caldwell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 121**, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 171** -- Courts, General Sessions - Creates additional division to Shelby County General Sessions Court; authorizes creation of drug court. Amends Chapter 772 of the Public Acts of 1982, as amended. by *Scroggs. (SB378 by *Person)

Senate Amendment No. 1

AMEND House Bill No. 171 by inserting the following language immediately after the third sentence of the amendatory language of Section 2 of the printed bill:

Notwithstanding the provisions of any law to the contrary, the person elected by the board of commissioners of the county to serve as interim judge of such additional division shall be ineligible to seek election to the office of general sessions judge of such additional division at the regular August election in 2000.

Senate Amendment No. 2

AMEND House Bill No. 171 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Scroggs moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 171**, which motion prevailed by the following vote:

Ayes	96
Noes	0

TUESDAY, MAY 25, 1999 -- THIRTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 297** -- Safety - Requires fire drills three times a year rather than twice a month in buildings occupied by educational institutions. Amends TCA Section 68-102-137. by *Maddox, *Ridgeway, *Pinion, *Cole (Dyer), *Tidwell. (SB1437 by *Herron)

Rep. Maddox moved that House Bill No. 297 be reset for the Message Calendar on May 27, 1999, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 321** -- Education - Requires seven safety drills per school term rather than two; specifies that at least four drills shall involve evacuation of entire building. Amends TCA Section 49-5-201. by *Maddox, *Ridgeway, *Pinion, *Cole (Dyer), *Tidwell. (SB1438 by *Herron)

Rep. Maddox moved that House Bill No. 321 be reset for the Message Calendar on May 27, 1999, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 530** -- Consumer Protection - Adds provisions to limit unsolicited advertising by electronic mail (anti-spamming). Amends TCA Title 47, Chapter 18. by *Hargrove, *Bowers, *Hargett, *Pleasant, *Langster, *Kisber, *Hagood, *Todd, *Boyer. (SB690 by *Kyle, *Burchett, *Cohen, *Person, *Burks, *Harper, *Crowe)

Rep. Hargrove moved that House Bill No. 530 be reset for the Message Calendar on May 26, 1999, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 709 -- Workers' Compensation - Increases from \$10,000 to \$20,000 lump sum amount paid to estate of deceased employee where such employee leaves no dependents. Amends TCA Section 50-6-209. by *Herron. (*HB294 by *Maddox)

Rep. Maddox moved that Senate Bill No. 709 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1082** -- Education, Higher - Revises law on university research. Amends TCA Section 10-7-504 and Section 49-7-120. by *Womack. (HB1344 by *Davidson, *Caldwell)

Rep. Davidson moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2, which motion prevailed.

MOTION TO RECONSIDER

Rep. Langster moved to lift from the table the motion to reconsider Senate Bill No. 1227, which motion prevailed.

Senate Bill No. 1227 -- Law Enforcement - Deletes language "publicly maintained" from definition of "highways" for purposes of driver license enforcement. Amends TCA Section 55-50-102. by *Haynes, *Harper. (*HB1030 by *Langster, *Jones, S.)

Rep. Langster moved that the House reconsider its action in passing Senate Bill No. 1227, which motion prevailed.

Rep. Langster moved that Senate Bill No. 1227 be passed on third and final consideration.

Rep. Langster moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1227 by deleting the amendatory language of Section 1 and by substituting instead the following:

(28) "Highway" means the entire width between the boundary lines of every way publicly maintained which is open to the use of the public for purposes of vehicular travel, or the premises of any shopping center, trailer park or apartment house complex or any other premises frequented by the public at large.

On motion, Amendment No. 2 was adopted.

Rep. Langster moved that **Senate Bill No. 1227**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1405 -- Motor Vehicles, Titling and Registration - Clarifies certain issuance requirements and revenue distribution formulas for cultural, specialty earmarked and new specialty earmarked license plates; sets requirements for issuance of future plates established by statute Amends TCA Title 55, Chapter 4. by *Fowlkes, *White, *Cooper B. (*SB1349 by *Cohen)

Senate Amendment No. 1

AMEND House Bill No. 1405 by adding Section 3 in original bill back in as Section 3.

Rep. Fowlkes moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1405**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1882** -- Tort Liability - Limits tort liability of directors and officers of IRC 501(c)(7) nonprofit organizations. Amends TCA Section 48-58-601. by *Godsey. (SB1828 by *Ramsey)

Senate Amendment No. 1

AMEND House Bill No. 1882 by adding the following as a new section to precede the effective date section:

SECTION ____ Tennessee Code Annotated, Section 48-58-601(c), is amended in the first sentence by inserting the word and punctuation "clubs," after the word and punctuation "corporations," wherever it may be found.

Rep. Godsey moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1882**, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1912** -- Motor Vehicles, Titling and Registration - Authorizes issuance of Nashville Predators license plates Amends TCA Title 55, Chapter 4. by *West. (SB1823 by *Cohen)

Senate Amendment No. 1

AMEND House Bill No. 1912 By deleting subsection (b) of the amendatory language of Section 2 in its entirety and by substituting instead the following:

(b) The cultural plates provided for in this section may bear the official colors and logo of the Nashville Predators National Hockey League team and may include the language "PREDATORS" in an appropriate design. Such plates shall be designed in consultation with the Chairman and Governor of the Nashville Predators organization.

Rep. West moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1912**, which motion prevailed by the following vote:

Ayes94
Noes0

TUESDAY, MAY 25, 1999 -- THIRTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the following bills to be introduced and passed on first consideration, which motion prevailed:

House Bill No. 2000 -- Watertown - Subject to local approval, revises date for election of mayor and board of aldermen. Amends Chapter 187 of the Private Acts of 1937. by *Bone.

BILL RECALL REQUESTED

Rep. Hargrove moved that Senate Bill No. 917 be recalled from the Senate, which motion prevailed.

ANNOUNCEMENTS

MOTION TO ADOPT HOUSE SCHEDULE

Rep. Hargrove moved that the House adopt the following schedule for Wednesday, May 26, 1999, which motion prevailed:

8:00 a.m.	CALENDAR AND RULES
9:00 a.m.	BUDGET SUBCOMMITTEE
9:30 a.m.	FINANCE, WAYS AND MEANS
10:30 a.m.	SESSION

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1017: Rep(s). Davidson as prime sponsor(s).

House Bill No. 1458: Rep(s). Chumney as prime sponsor(s).

House Bill No. 1522: Rep(s). Head as prime sponsor(s).

House Bill No. 1527: Rep(s). Head as prime sponsor(s).

House Bill No. 1587: Rep(s). Sands as prime sponsor(s).

REQUEST TO BE ADDED AS SPONSOR

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

House Joint Resolution No. 76: Rep(s). Todd

MESSAGE FROM THE GOVERNOR

May 25, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 1449, with his veto.

COURTNEY PEARRE, Counsel to the Governor.

GOVERNOR'S STATEMENT ON HOUSE BILL NO. 1449

I am vetoing House Bill No. 1449/Senate Bill No. 1639. It is with deep regret that I take this action without having communicated my position to the sponsors at an earlier time, however, the current budgetary crisis in the State leaves little room for me to sign into law measures which potentially decrease state revenues. Moreover, the discount proposed in this bill may be meaningless if, due to the current fiscal crisis, it is necessary to close some of our state parks.

In lieu of allowing this bill to become law, I have directed the Tennessee Department of Environment and Conservation to promulgate rules and regulations under criteria that will not adversely affect state revenues, but will allow our public school teachers to enjoy our state parks at approximately the same cost as that proposed by the discount in this legislation. I anticipate that the department will be able to achieve in almost all circumstances the same benefit for public school teachers without incurring a revenue loss to the State.

TUESDAY, MAY 25, 1999 -- THIRTY-FIFTH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR
May 25, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1158 and 1417, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

ENROLLED BILLS
May 25, 1999

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 73 and 74; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
May 25, 1999

The Speaker signed the following: House Resolution(s) No(s). 73 and 74.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 25, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1451; also, Senate Joint Resolution(s) No(s). 410 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED
May 25, 1999

The Speaker signed the following: Senate Bill(s) No(s). 1451; also, Senate Joint Resolution(s) No(s). 410.

MESSAGE FROM THE SENATE
May 25, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 441, 449 and 450; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

TUESDAY, MAY 25, 1999 -- THIRTY-FIFTH LEGISLATIVE DAY

ENGROSSED BILLS

May 25, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 1676.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 25, 1999

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 151, 231, 332, 453, 487, 664, 1055, 1459, 1722, 1734, 1796, 1983, 1984, 1993, also, House Joint Resolution(s) No(s) 285, 286, 287, 288, 289, 290, 291, 292, 293, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, 306 and 307.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 25, 1999

The Speaker signed the following: Senate Joint Resolution(s) No(s). 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 441, 449 and 450.

ENROLLED BILLS

May 25, 1999

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 136, 205, 211 and 223; also, House Resolution(s) No(s). 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 25, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 136, 205, 211 and 223; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

May 25, 1999

The Speaker signed the following: House Joint Resolution(s) No(s). 136, 205, 211, 223; also, House Resolution(s) No(s). 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 25, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 1656.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR

May 25, 1999

The following local bills have been placed on the Consent Calendar for **May 26, 1999**: House Bill(s) No(s). 1992, 1994, 1996, 1997, 1998, 1999.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 10:30 a.m., Wednesday, May 26, 1999.